

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.27 of 2022

Manas Sahoo @ Manas Kumar Sahoo ***Appellants***

Mr. R.K. Nayak, Advocate
-versus-

State of Odisha and another ***Respondents***

Mr. P.C. Das, A.S.C.
Mr. R.R. Chhotaray, Advocate for the
Respondent No.2

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
15.03.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an appeal under Section 14 of Special Court's Act.
3. Heard learned counsel for the Appellant and learned Additional Standing for the State. Perused the case record, statement of the victim recorded under Section 164 of the Cr.P.C., F.I.R., medical examination report of the victim as well as statement of the witnesses.
4. The present appeal is directed against the order dated 21.09.2021 passed by the learned Presiding Officer Special Court under the SC & ST (PoA) Act, Cuttack in C.T. Case No.131 of 2021 arising out of Jagatpur P.S. Case No.286 of 2021 for alleged commission of offence under Sections 457/294/506/376(2)(n), I.P.C. read with Sections 3(1)(wi)(s) &(2)(v)(va) of the S.C. and S.T. (PoA) Act.
5. The fact of the case as per F.I.R. , in short, is that on 22.07.2020

night at about 9.30 P.M. the present petitioner forcibly entered in her house, abused her in obscene languages, threatened to dire consequences and forcibly kept sexual relationship time and again and threatened to kill her.

6. Basing upon the information lodged by the informant, police registered the case against the accused person and took over the investigation and arrested the present petitioner on 24.07.2021 and since then he is in custody.

7. It is submitted by learned counsel for the appellants that the appellants are in custody since 24.07.2021 and in the meantime, investigation has been concluded and charge-sheet has been submitted. Further it is submitted by learned counsel for the appellant that the present F.I.R. has been registered due to previous enmity between the appellant and the victim. He further submits that both the appellant and the victim are working and living nearby Jagatpur Truck Terminal. Earlier there was a dispute between the parties regarding money, which was settled by local gentries and the matter was finally compromised and reported to the I.I.C., Jagatpur Police Station. Accordingly, the appellant had returned the money which he had borrowed from the victim. After such submission, the present case has been registered falsely implicating in the appellant. He also submits that the allegation made in the F.I.R. does not got any corroboration from the medical examination report of the victim. Therefore, he submits that the entire cases is frivolous and harass the appellant and the victim falsely implicated the appellant in this case. He also submits that the appellant is a resident of the locality and as such, there is no chance of absconding from the hands of justice and further in the event the appellant released on bail, he shall cooperate with the trial and appear before the trial court on each and every date in the trial.

8. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the appellant are serious in nature. He further refers to the statement of the victim recorded under Section 164, Cr.P.C. and the case is under Section 376(2)(n) of the I.P.C. is clearly made out against the appellant and also submits that though initially kept relationship on consent of both the parties but, later on, the appellant forced the victim to keep sexual relationship with him and that considering the gravity and seriousness of the allegation, the prayer for bail at the behest of the appellant may be rejected.

9. Having heard learned counsel for the Appellant as well as learned Additional Standing Counsel for the State-Respondent, statement of the victim recorded under Section 164, Cr.P.C. and considering the nature of accusation, seriousness and the gravity of offence as well as custodial detention of the Appellant, I am inclined to release the Appellant on bail. Accordingly, the impugned order dated 21.09.2021 passed by the learned Presiding Officer Special Court under the SC & ST (PoA) Act, Cuttack is hereby set aside.

10. Let the Appellant be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that :-

- I. The appellant shall not be involved in any offence of similar nature;
- II. He shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the victim or her family members in any manner whatsoever;
- III. He shall not make any default in attending the

court during trial on each date; and

- IV. He shall not make any attempt to contact the victim and shall stay away from the victim and her family members.

Violation of any of the terms and conditions shall entail cancellation of bail.

11. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

12. With the aforesaid observation, the Appeal is allowed without any cost.

13. Urgent certified copy of this order be granted on proper application.

Jagabandhu

